

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

JESSE BOBO and
CAROLYN BOBO

PLAINTIFFS

VS.

CASE NO. 06-CV-4110

DR. DANIEL F. UMOH, M.D.,
MEDICAL PARK HOSPITAL, L.L.C.,
TRIAD HOSPITAL, INC. d/b/a MEDICAL
PARK HOSPITAL, SIGNATURE
HOSPITAL L.L.C. d/b/a MEDICAL PARK
HOSPITAL, COLUMBIA/HCA HEALTHCARE
CORP., d/b/a MEDICAL PARK HOSPITAL and
HCA, INC., d/b/a MEDICAL PARK HOSPITAL

DEFENDANTS

AMENDED ORDER

On March 7, 2007 the Court granted separate Motions to Dismiss filed on behalf of Dr. Daniel F. Umoh, M.D. and Medical Park Hospital, L.L.C. ("the Hospital"). (Doc. 32). The Court dismissed Plaintiffs' claims against Dr. Umoh and the Hospital due to Plaintiffs' failure to comply with sections of the Arkansas Code applicable to actions for medical injury. Specifically, Plaintiffs failed to satisfy the requirements of Ark. Code Ann. § 16-114-209(b)(1), which requires a medical malpractice plaintiff to file an affidavit, signed by an expert engaged in the same type of medical care as is each medical care provider defendant, which sets forth reasonable cause for the filing of the action for medical negligence. This affidavit must be filed within thirty days of the filing of the complaint. Ark. Code Ann. § 16-114-209(b)(1). Plaintiffs failed to file such an affidavit. Therefore, the Court today amends its previous order, finding that Plaintiffs' claims should be dismissed *en toto*.

Accordingly, for reasons stated in the Court's Order of March 7, 2007 and herein, Motions to Dismiss filed on behalf of Dr. Daniel F. Umoh and the Hospital should be and hereby are

GRANTED. Plaintiffs' claims against all named Defendants in this matter should are hereby
DISMISSED.

IT IS SO ORDERED, this 12th day of March, 2007.

/s/Harry F. Barnes
Hon. Harry F. Barnes
United States District Judge